

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-292-T - ORDER NO. 2004-560  
NOVEMBER 10, 2004

IN RE:	Application of Loofar Enterprises, LLC d/b/a	)	ORDER GRANTING
	Apartment Movers, Etc. for a Class E (HHG)	)	REQUEST FOR LEAVE
	Certificate of Public Convenience and	)	TO TAKE DEPOSITION
	Necessity	)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the Request of Loofar Enterprises, LLC d/b/a Apartment Movers, Etc. (“Loofar” or “Applicant”) for leave to take deposition of witnesses pertaining to Loofar’s Application for a Class E Certificate of Public Convenience and Necessity. Loofar’s Application was received by the Commission on September 30, 2004.

By correspondence dated September 23, 2004, Loofar, through its counsel, requests leave to take the testimony of witnesses regarding Loofar’s Application via deposition. The witnesses who Loofar desires to be deposed are shipper witnesses for the Applicant. Through the course of the depositions, according to Loofar, proof of the need for services in the areas for which the Applicant seeks to provide will be established.

26 S. C. Ann. Regs.103-133 provides that an application for a Certificate of Public Convenience and Necessity to operate as a carrier of household goods by motor vehicle may be approved, among other criteria, upon a showing that public convenience and necessity are not already being served in the territory by existing authorized service.

The public convenience and necessity criterion must be shown by the use of shipper witnesses.

26 S. C. Ann. Regs. 103-852 provides that any party of record to a proceeding may, by written request, ask the Commission for leave to take the testimony of any witness by deposition. The request shall set forth the facts the requesting party seeks to establish by the deposition. Such written request shall be filed with the Commission at least 10 days prior to the commencement of the scheduled hearing. The requesting party shall give notice by providing a copy of the written request to each party of record to the proceeding. If the Commission deems the request meritorious, it may issue an Order designating the individual whose deposition may be taken.

Upon consideration of the Request for Leave to take Deposition of Loofar, the Commission hereby grants the Request. We find that Loofar has satisfied the requirements of R. 103-852. Although, the Applicant does not cite reason for the need to take deposition of the shipper witnesses in lieu of the witnesses' appearances, the Commission understands the difficulty that may be encountered in an applicant's ability to secure the appearance of shipper witnesses.

IT IS THEREFORE ORDERED THAT:

1. The Request for Leave to take Deposition filed by Loofar Enterprises, LLC d/b/a Apartment Movers, Etc. is hereby granted.
2. Loofar Enterprises, LLC d/b/a Apartment Movers, Etc. shall take depositions of shipper witnesses in lieu of the shipper witnesses' appearances.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)